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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent
39/252

TECH CENTER 1600/2900

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In re the Application of:

HOUN SIMON HSIA

Serial No.: 08/828,143

Filed: March 24, 1997

For: **STABILIZED SOLID BACTERIA
COMPOSITIONS**

) Group Art Unit: 1651

) Examiner: Irene Marx

AMENDMENT AND RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the last Office Action pending in the previous application before filing of the RCE, please enter the following amendments:

IN THE CLAIMS:

Please amend claims 36-37, 39 – 42 as follows:

36. (Amended) A nutritional supplement composition comprising:

G
a sealed container containing a solid granular, dry admixture wherein said admixture is comprised of dried, viable bacteria of genus Lactobacilli,

OC-104942.1

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

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03-04-02

RCE
T600 \$
#25

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	08/828,143
Filing Date	March 24, 2002
First Named Inventor	Houn Simon HSIA
Group Art Unit	1651
Examiner Name	Irene Mar
Attorney Docket Number	239/252

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This is a Request for continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective May 29, 2000. If the above-identified was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patented term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ Any unentered amendment(s) referred to above will be entered.
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declarations(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

03/05/2002 TGEDAMU1 00000160 122475 08828143
 01 FC:279 370.00 CH
 02 FC:217 460.00 CH

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 12-2475
 - i. RCE fee required under 37 C.F.R. § 1.17(e) **\$370.00**
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17); if any extension of time is required, please consider this a request therefor. **\$460.00**
 - iii. Other: Any fee under \$1.15 or _____
- b. Check in the amount of \$_____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Kurt T. Mulville	Registration No. (Attorney/Agent)	37,194
Signature		Date	February 28, 2002

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: EXPRESS MAIL NO. EV 051628951 US

Name (Print/Type)	Lynne Fulmer	Date	February 28, 2002
Signature		Date	February 28, 2002